

On September 27, 1924, the Bristol Produce Co., Bristol, Va., claimant, having executed a bond in the sum of \$100 in conformity with section 10 of the act, and the product having been released to the said claimant, judgment of the court was entered, forfeiting the product and ordering that the bond be released upon payment of the costs of the proceedings and proof that the eggs had been reconditioned and the inedible eggs rejected.

HOWARD M. GORE, *Secretary of Agriculture.*

12757. Adulteration of tomato puree. U. S. v. 53 Cases and 81 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18782. I. S. Nos. 12956-v, 12957-v. S. No. E-4865.)

On June 11, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 134 cases of tomato puree, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fairdale Canning Co., from Bridgeton, N. J., November 5, 1923, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Fairdale Brand Tomato Puree * * * Packed By Fairdale Canning Co., Bridgeton, New Jersey."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 20, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12758. Misbranding of chloroform. U. S. v. 200 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16766. I. S. No. 4392-v. S. No. C-3781.)

On August 25, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 quarter-pound tins of chloroform, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped from New York, N. Y., on or about March 10, 1922, and transported from the State of New York into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorides, impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation.

On November 26, 1923, no claimant having appeared for the property, a decree of condemnation was entered, based on the finding of the court that the product was misbranded, and it was ordered by the court that it be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12759. Adulteration of chloroform. U. S. v. 4 Tins, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16706, 16707, 16708. S. Nos. E-4101, E-4102, E-4103.)

On August 4, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 30 tins of chloroform, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped from Philadelphia, Pa., between the dates of December 16, 1921, and January 21, 1922, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that they were turbid, that upon evaporation they left a foreign odor, and that they contained hydrochloric acid or other chloride, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia.

On September 12, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture*.

12760. Adulteration and misbranding of grape beverage. U. S. v. Val Blatz Brewing Co., a Corporation. Plea of guilty. Fine, \$100.
(F. & D. No. 17242. I. S. No. 2627-t.)

On April 10, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Val Blatz Brewing Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about May 27, 1922, from the State of Wisconsin into the State of Iowa, of a quantity of grape beverage which was adulterated and misbranded. The article was labeled in part: (Bottle) "Grape Drink Blatz Grape Artificially Flavored And Colored Blatz Products Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained little or no fruit and consisted essentially of an artificially colored sugar solution, to which tartaric acid and artificial flavor had been added.

Adulteration of the article was alleged in the information for the reason that a sugar solution artificially colored and flavored had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted for a product derived from grape, which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to a product derived from grape, and was artificially colored and flavored so as to simulate the appearance and taste of a product derived from grape and in a manner whereby its inferiority to such product was concealed.

Misbranding was alleged for the reason that the statements in prominent type, to wit, "Grape Drink" and "Grape," not corrected by the statement in very inconspicuous type, "Artificially Colored and Flavored," together with the designs and devices of bunches of grapes, borne on the labels attached to the bottles containing the article, were false and misleading in that they represented that the article was a product derived from grape, namely, a grape juice beverage, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product derived from grape, namely, a grape juice beverage, whereas, in truth and in fact, it was not but was a sugar solution artificially colored and flavored.

On July 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture*.

12761. Misbranding of milk chocolate kisses. U. S. v. Fleetwood Chocolate Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18093. I. S. Nos. 415-v, 416-v.)

On May 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fleetwood Chocolate Co., a corporation, trading at Fleetwood, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 7 and March 20, 1923, respectively, from the State of Pennsylvania into the State of New York, of quantities of milk chocolate kisses which were misbranded. The article was labeled in part: "Fleetwood Milk Made * * * Chocolate Kisses * * * 5 Pounds Net Weight" (or "2½ Lbs. Net Weight").

Examination by the Bureau of Chemistry of this department of samples from boxes of each size showed that the average net weight of 20 of the